



DEPARTMENT OF REVENUE
INDIANA GOVERNMENT CENTER NORTH
100 N. SENATE AVE

DEPARTMENTAL NOTICE #40
APRIL 2015
(Replaces Notice #40 issued December 2014)
Effective Date: April 1, 2015

SUBJECT: COUNTY INNKEEPER'S TAXES

REFERENCES: IC 6-2.5; IC 6-9-1; IC 6-9-2; IC 6-9-2.5; IC 6-9-3; IC 6-9-4; IC 6-9-6;
IC 6-9-7; IC 6-9-8; IC 6-9-9; IC 6-9-10; IC 6-9-10.5; IC 6-9-11; IC 6-9-14;
IC 6-9-15; IC 6-9-16; IC 6-9-17; IC 6-9-18; IC 6-9-19; IC 6-9-29;
IC 6-9-32; IC 6-9-37

DISCLAIMER: Departmental notices are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is not consistent with the law, regulations, or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein. This document does not meet the definition of a "statement" required to be published in the Indiana Register under IC 4-22-2-7.

SUMMARY

This notice has been changed from the previous version as a result of Spencer County changing its innkeeper's tax rate from 4 percent to 5 percent. All counties are authorized to impose an innkeeper's tax under IC 6-9-18 or through specific enabling statutes throughout IC 6-9. To date, 73 of Indiana's 92 counties have imposed an innkeeper's tax. Fifty-three counties have used the uniform innkeeper's tax statute under IC 6-9-18.

APPLICATION OF INNKEEPER'S TAXES

In general, the uniform innkeeper's tax statute provides that the fiscal body of a county may impose an innkeeper's tax on those engaged in the business of renting or furnishing, for periods of fewer than 30 days, any room or rooms, lodgings, or accommodations in any hotel, motel, boat motel, inn, college or university memorial union, college or university residence hall or dormitory, or tourist cabin located in the county. Accommodations and lodges generally include:

- Rooms in hotels, motels, lodgings, ranches, villas, apartments, houses, bed and breakfast establishments, vacation homes, or resorts
- Gymnasiums, coliseums, banquet halls, ballrooms, arenas, or other similar accommodations regularly offered for rent
- Tourist cabins, cottages, tents, or fixed trailers
- Campsites, where authorized by statute and ordinance, regardless of whether any amenities, such as water or electricity, are included
- Houseboats and other craft with overnight facilities
- Space in camper parks and trailer parks where spaces are regularly offered for rent for periods of fewer than 30 days

Under the uniform statute, the tax does not apply to gross income received in a transaction in which a person rents a room, lodging, or accommodation for a period of 30 days or more. Nor does the tax apply to the gross income received in a transaction in which a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county.

In general, innkeeper's taxes are imposed and administered in the same manner as the sales tax. For example, transactions not subject to sales tax, such as where there is no consideration exchanged for the room, also are not subject to innkeeper's tax. Indeed, all of the provisions related to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration of sales tax under IC 6-2.5 are applicable to the imposition and administration of the innkeeper's tax except to the extent those provisions are in conflict or inconsistent with specific provisions enacted under the innkeeper's tax statutes or the requirements of a county treasurer.

NOTE: Twenty counties have authority apart from the uniform statute to impose innkeeper's taxes. Those counties include Allen, Brown, Clark, Elkhart, Floyd, Hendricks, Howard, Jackson, Jefferson, Lake, LaPorte, Madison, Marion, Monroe, St. Joseph, Tippecanoe, Vanderburgh, Vigo, Wayne, and White. Provisions enacted by ordinance in these counties may differ slightly from county to county and from the uniform statute. Taxpayers with questions related to the innkeeper's tax imposed in these counties should refer directly to the specific authorizing statute and ordinance imposing the tax.

COLLECTION OF INNKEEPER'S TAXES

Innkeeper's taxes may be collected either by the Indiana Department of Revenue (department) or by the county that enacted the tax. If the tax is paid to the department, the innkeeper will need to register online with the department by completing a Form BT-1 (Business Tax Application) and remitting innkeeper's taxes monthly via INtax, the department's online filing and payment portal. More information related to INtax is available online at <http://www.in.gov/dor/4336.htm>.

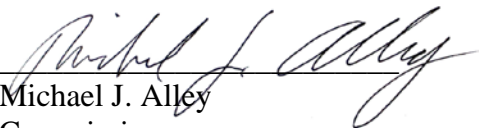
Innkeeper's taxes collected at the county level must be paid monthly and reported on forms approved by the county treasurer. Questions related to taxes collected at the county level should be directed to the adopting county's auditor or treasurer.

INNKEEPER'S TAXES BY COUNTY

The following table lists the county, the tax rate, and whether the tax is paid to the Indiana Department of Revenue for distribution back to the county or is paid directly to the county treasurer.

INDIANA COUNTIES THAT HAVE ADOPTED A COUNTY INNKEEPER'S TAX

County Name	Collection Point	Tax	County Name	Collection Point	Tax
Allen	DOR	7%	Lake	County	5%
Bartholomew	County	5%	LaPorte	County	5%
Boone	County	5%	Lawrence	County	5%
Brown	County	5%	Madison	County	5%
Carroll	County	5%	Marion	DOR	10%
Cass	County	3.5%	Marshall	County	5%
Clark	DOR	4%	Miami	County	5%
Clinton	County	4%	Monroe	County	5%
Crawford	County	5%	Montgomery	County	3%
Daviess	County	5%	Morgan	County	5%
Dearborn	County	5%	Noble	County	5%
Decatur	County	5%	Ohio	County	5%
Dekalb	County	5%	Orange	County	4%
Delaware	County	5%	Owen	County	5%
Dubois	County	5%	Parke	County	5%
Elkhart	County	5%	Perry	County	5%
Fayette	County	5%	Porter	County	5%
Floyd	DOR	4%	Putnam	County	5%
Franklin	County	5%	Randolph	County	5%
Fulton	County	3%	Ripley	County	5%
Gibson	County	5%	St. Joseph	County	6%
Grant	County	5%	Scott	DOR	5%
Hamilton	County	5%	Shelby	DOR	5%
Hancock	County	4%	Spencer	County	5%
Harrison	County	4%	Starke	County	5%
Hendricks	County	8%	Steuben	County	5%
Henry	County	5%	Sullivan	County	5%
Howard	County	5%	Switzerland	County	5%
Huntington	County	5%	Tippecanoe	County	5%
Jackson	County	5%	Vanderburgh	County	8%
Jasper	County	5%	Vermillion	County	5%
Jay	County	5%	Vigo	County	6.5%
Jefferson	DOR	5%	Wabash	County	5%
Jennings	County	5%	Washington	County	4%
Knox	County	5%	Wayne	County	5%
Kosciusko	County	5%	White	County	5%
LaGrange	County	5%			


Michael J. Alley
Commissioner